



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,398	07/26/2000	Eric C. Anderson	P205/1805P	7721

49278 7590 07/27/2006

SCENERA RESEARCH, LLC
111 Corning Road
Suite 220
Cary, NC 27511

EXAMINER

CHOJNACKI, MELLISSA M

ART UNIT PAPER NUMBER

2164

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/625,398

Applicant(s)

ANDERSON ET AL.

Examiner

Mellissa M. Chojnacki

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/26/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on May 15, 2006, claim 1 has been amended, no new claims have been added and no claims have been cancelled. Therefore claims 1-40 are still presently pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 10-17, 23-26 and 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson (U.S. Patent No. 6,650,831).

As to claim 1, Thompson teaches a method for providing access to respective entity-specific photo-sharing websites for a plurality of entities, each controlling a set of entity-specific image capture devices (See abstract; column 2, lines 23-43), where “entity-specific photo-sharing websites” is read on “hosting service provider”), comprising:

providing an online photo-sharing service capable of providing access to the respective entity-specific photo-sharing websites for each of the entities (See abstract; column 2, lines 23-43); and

providing software for the entity-specific image capture devices that causes the entity-specific image capture devices to transmit entity ID information (See column 6, lines 55-67; column 7, lines 1-3, lines 13-27) when the image capture devices transmit images to the photo-sharing service over a network (See column 6, lines 55-67; column 7, lines 1-3, lines 13-27), such that when the image capture devices connect to the photo-sharing service via the network, the photo-sharing service uses the entity ID received from the image capture devices to automatically associate the images received from the image capture device to the photo-sharing website of the identified entity (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

As to claims 2 and 12, Thompson teaches further including the step of storing the entity ID in the image capture devices during manufacturing (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27); wherein the entity ID is stored in the digital camera during manufacturing (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27).

As to claims 3 and 13, Thompson teaches further including the step of storing the entity ID in the image capture devices subsequent to manufacturing (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27); wherein the entity ID is stored

Art Unit: 2164

in the digital camera subsequent to manufacturing (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27).

As to claim 4, Thompson teaches further including the step of providing a plurality of entity IDs, wherein each entity ID identifies a different entity (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27).

As to claim 5, Thompson teaches further including the step of providing an entity ID identifying a camera manufacturer (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27) and an entity ID identifying a user (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27).

As to claim 10, Thompson teaches an online photo-sharing system (See abstract; column 2, lines 23-43), comprising:

an online photo-sharing service for providing access to respective websites for a plurality of entities (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38), wherein each of the entities controls a set of digital cameras (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38); and digital camera software that is customized for each of the entities, such that when the software customized for a particular entity is executed in the entity's digital cameras during a network connection to the photo-sharing service (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

As to claim 11, Thompson teaches wherein the digital camera software causes the digital camera to transmit at least one entity ID identifying the entity that the software was customized for (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27; column 8, lines 55-64).

As to claims 14 and 24, Thompson teaches wherein at least one set of digital cameras is controlled by a hierarchal relationship of entities Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27; column 8, lines 55-64); further including the step of customizing at least one of the cameras for a hierarchal relationship of entities Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27; column 8, lines 55-64).

As to Claims 15 and 25, Thompson teaches wherein the digital camera transmits the entity ID of each of the entities in the hierarchal relationship (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27; column 8, lines 55-64); further including the steps of providing the entity ID as a set of hierarchal entity IDs (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27; column 8, lines 55-64).

As to claim 16, Thompson teaches wherein the entities include at least one of a camera manufacturer, a business, a government agency, and end-users (See Thompson, column 2, lines 54-65).

As to claim 17, Thompson teaches wherein the online photo-sharing service includes a server and a database for providing access to the respective websites (See abstract; column 2, lines 23-43).

As to claim 23, Thompson teaches a method for automatically sending images from entity-specific cameras to entity-specific websites (See abstract; column 2, lines 23-43, where "entity-specific photo-sharing websites" is read on "hosting service provider"), comprising:

(a) providing a plurality of cameras with means for allowing the cameras to communicate over a network (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64);

(b) customizing the cameras for different entities by loading at least one entity ID into the camera (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64);

(c) providing an online photo-sharing service for providing access to a plurality of photo-sharing websites (See abstract; column 2, lines 23-43);

(d) customizing each of the photo-sharing websites for a respective entity to create entity-specific websites, each of the entity-specific websites being identified by a

Art Unit: 2164

respective entity ID (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64);

(e) transmitting the entity ID from the camera to the photo-sharing website when uploading images from the camera to the photo-sharing service via the network (See column 6, lines 55-67); and

(f) receiving the images and associating the images with the entity-specific website identified by the entity ID (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

As to claim 26, Thompson teaches further including the steps of storing the entity-specific websites on a database accessed by a server (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

As to claim 34, Thompson teaches an online photo-sharing system (See abstract; column 2, lines 23-43, where “entity-specific photo-sharing websites” is read on “hosting service provider”), comprising:

an online photo-sharing service for providing access to respective websites for a plurality of entities (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64), wherein each of the entities controls a set of digital cameras (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64), the set of digital cameras including digital camera software that is customized for each of the entities, such that when the software customized for a particular entity is executed in the

Art Unit: 2164

entity's digital cameras during a network connection (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64), the software causes the digital cameras to automatically upload images to the website hosted for that particular entity (See abstract; column 2, lines 23-43).

As to claim 35, Thompson teaches an online photo-sharing system (See abstract; column 2, lines 23-43, where "entity-specific photo-sharing websites" is read on "hosting service provider"), comprising:
a plurality of digital cameras for accessing an online photo-sharing service for providing access to respective websites for a plurality of entities (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64), wherein each of the entities controls a set of digital cameras of the plurality of digital cameras (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64), each of the plurality of digital cameras including digital camera software that is customized for each of the entities, such that when the software customized for a particular entity is executed in the entity's digital cameras during a network connection (See column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64), the software causes the digital cameras to automatically upload images to the website hosted for that particular entity (See abstract; column 2, lines 23-43; column 6, lines 55-67).

As to claim 36, Thompson teaches wherein the online photo-sharing service is capable of hosting the entity specific photo-sharing websites for each of the entities

Art Unit: 2164

(See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

As to claim 37-38 and 40, Thompson teaches wherein the entity specific photo-sharing websites are hosted outside of the photo-sharing service (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64); wherein the online photo-sharing service is capable of accessing a server (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64) and a database outside of the photo-sharing service for hosting the respective websites (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64); wherein the database storing the entity specific websites is arranged outside the photo-sharing service (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

As to claim 39, Thompson teaches wherein the database storing the entity-specific websites is included within the photo-sharing service (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2164

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-9, 18-22 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Patent No. 6,650,831), in view of Garfinkle et al. (U.S. Patent No. 6,017,157).

As to claim 6, Thompson teaches further including the step of storing an entity account in a database corresponding to different entity IDs (See Garfinkle et al., column 3, line 67; column 4, lines 1-6).

Thompson does not teach further including the step of storing an entity account in a database corresponding to different entity IDs.

Garfinkle et al. teaches a method of processing digital images and distributing visual prints produced from the digital images (See abstract), in which he teaches further including the step of storing an entity account in a database corresponding to different entity IDs (See Garfinkle et al., column 3, line 67; column 4, lines 1-6).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Thompson, to include further including the step of storing an entity account in a database corresponding to different entity IDs.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Thompson, by the teachings of Garfinkle et al. because further including the step of storing an entity account in a database corresponding to different entity IDs would provide a method of processing digital

Art Unit: 2164

images more economically and easily available via a secure network (See Garfinkle et al. column 1, lines 41-55).

As to claims 7, 19 and 27, Thompson as modified, teaches further including the step of associating with each of the entity accounts, web pages comprising the corresponding entity-specific photo-sharing website, and user account numbers of authorized users (See Thompson, abstract; column 2, lines 23-43; column 6, lines 55-67; column 7, lines 1-3, lines 13-27); wherein the server matches each one of the entity ID's received with one of the entity accounts (See Thompson, abstract; column 2, lines 23-43; column 6, lines 55-67; column 7, lines 1-3, lines 13-27); further including the step of creating an entity account in the database for every entity ID, and associating each of the entity-specific websites with the corresponding entity account (See Thompson, abstract; column 2, lines 23-43; column 6, lines 55-67; column 7, lines 1-3, lines 13-27).

As to claims 8 and 18, Thompson as modified, teaches further including the step of matching the entity ID information received from each image capture device with the corresponding entity account in the database (See Garfinkle et al., Fig. 4; column 10, lines 44-45; lines 55-59; and also see Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27); wherein the database stores entity account information for each one of the entities (See Garfinkle et al., Fig. 4; column 3, line 67; column 4, lines 1-6; column 10, lines 44-45; lines 55-59; and also see Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27).

As to claim 9, Thompson as modified, teaches further including the step of automatically associating the received images with the entity-specific photo-sharing website of the identified entity (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27; column 8, lines 55-64).

As to claim 20, Thompson teaches wherein the online photo-sharing service derives revenue from the entities (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27; column 8, lines 55-64).

As to claim 21, Thompson teaches wherein the online photo-sharing service shares revenue with multiple entities that are in a hierarchal relationship (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27; column 8, lines 55-64).

As to claim 22, Thompson teaches wherein the respective websites are customized for each of the entities, such that when users visit the respective websites over the network, it appears to the user that the respective websites are hosted by the corresponding entities (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-27; column 8, lines 55-64).

As to claim 28, Thompson teaches further including the step of associating URL's of the entity specific websites with the corresponding entity accounts in the database (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

As to claim 29, Thompson teaches further including the steps of matching a received entity ID with one of the entity accounts in order to associate the received images with the entity specific website (See Thompson, column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

As to claim 30, Thompson teaches further including the step of transmitting a user entity ID with the entity ID, and creating a user account in the database corresponding to the user ID (See abstract; column 2, lines 23-43), such that the received images are associated with the users account in the corresponding entity-specific website (See Thompson column 6, lines 55-67; column 7, lines 1-3, lines 13-38; column 8, lines 55-64).

6. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being anticipated by Thompson (U.S. Patent No. 6,650,831), in view of Narayan et al. (U.S. Patent No. 6,035,323).

As to claims 31-33 Thompson still does not teach providing a default Internet service provider connection information; providing the plurality of cameras with default Internet service provider connection information.

Narayan et al. teaches methods and apparatus for distributing a collection of digital media over a network with automatic generation of presentable media (See Abstract), in which providing a default internet service provider connection information (See abstract; column 11, lines 7-49); (g) providing the plurality of cameras with default internet service provider connection information (See abstract; column 11, lines 7-49).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Thompson, to include providing a default internet service provider connection information; (g) providing the plurality of cameras with default internet service provider connection information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Thompson, by the teachings of Narayan et al. because providing a default internet service provider connection information; (g) providing the plurality of cameras with default internet service provider connection information would allow a user of a digital camera to easily distribute or publish images from the digital camera or other digital acquisition devices over a network, such as the Internet (See Narayan et al., column 2, lines 28-31).

Response to Arguments

7. Applicant's arguments filed on 15-May-2006, with respect to the rejected claims 1-40 have been fully considered but they are not found to be persuasive:

In response to applicants' arguments regarding *"Thompson does not describe the image capture device (i.e., Thompson's digital camera) transmitting images digitally, via a network, to Thompson's service provider... Thompson simply does not describe that his digital camera can connect to the service provider via the network and transmit entity ID information when the image capture device transmit images to the photo-sharing service over a network, as claim 1 requires....Accordingly, since Thompson does not describe the feature of "providing software for the entity-specific image capture devices that causes the entity-specific image capture image capture devices to transmit entity ID information when the image capture devices transmit images to the photo-sharing service over a network," claim 1"*, the arguments have been fully considered but are not found to be persuasive, because Thompson teaches users (plurality of entities) controlling digital cameras (entity-specific image capture devices) that are able to download their photo's taken to a online photo-sharing service (See abstract; column 2, lines 12-43). The claim as written does not exclude a computer connected to the camera in order to connect to the Network. Specifically, because the claim language contains "comprising" it can be assumed that more elements can be within the claim. Furthermore, the claim language does not specify how (i.e. wireless; cable) the connection to the network is made. The claim language states "image capture devices connect to the photo-sharing service via the network", this language does not exclude a

Art Unit: 2164

computer or any other type of device that is connected to the camera in order to connect to “network”. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571) 272-4076. The examiner can normally be reached on 9:00am-5:30pm.

Art Unit: 2164

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 18, 2006\
Mmc


SAM RIMELL
PRIMARY EXAMINER